

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA

vs.

ERIC ROBERT RUDOLPH,

Defendant.

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Case No. CR-00-S-422-S

GOVERNMENT'S MOTION TO AMEND TRANSCRIPT

Comes Now the United States of America, by and through its counsel, Alice H. Martin, United States Attorney for the Northern District of Alabama, and Michael W. Whisonant, Assistant United States Attorney, and respectfully moves this Honorable Court to order that the transcript of the status conference held on July 30, 2003, be amended and reissued. In support of this motion, undersigned counsel submit the following:

On July 30, 2003, the Court held a status conference in this case. The conference was taken down by a court reporter, resulting in the publication of a transcript. The transcript has now been filed with the clerk of court and made a part of the official record in this case. Undersigned counsel have reviewed the transcript, however, and discovered numerous errors. The errors consist not only of incorrectly transcribed words, but of misidentified speakers. Many of the errors are obvious from the subject matter being discussed or overall context of the conversation. For example, the transcript identifies one of defendant's attorneys, Richard Jaffe, as speaking at page 31, lines 2-12, even though he is reporting on where certain government evidence is physically located and how decisions made by the prosecution team must be approved by the Department of Justice. The person actually speaking was Assistant U.S. Attorney Robert J. McLean. Similarly, the transcript identifies

Assistant U.S. Attorney Joseph Burby as speaking at page 37, lines 21-22, even though he is describing the defense's review of a CD produced by the government containing FBI reports of interview. Not surprisingly, the person actually speaking was another of defendant's attorneys, J. Derek Drenan.

There are numerous such errors in the transcript. These errors need to be corrected so that the official record in this case is accurate. Counsel for the government have reviewed the transcript and, based solely upon their memory and recollection of the conference, identified at least the following errors:

Page 12, Line 3 - "that the defense" should be "the way that the defense"

Page 12, Line 4 - "our" should be "are"

Page 12, Line 8 - "it's" should be "there's"

Page 12, Line 11 - "get" should be "treat"

Page 12, Line 12 - "there be" should be "there would be"

Page 12, Line 13 - "defense" should be "information"

Page 15, Line 6 - "sure" should be "clear"

Page 15, Line 8 - "no longer be there" should be "be contacted"

Page 15, Lines 10-11 - "what you were provided, your information" should be "when you provided your information"

Page 15, Line 22 - "Protection" should be "Protect"

Page 24, Line 12 - "had" should be "didn't have"

Page 24, Line 13 - "to us" should be "it to you"

Page 28, Line 4 - "expected" should be "inspected"

Page 29, Line 21 - "Mr. Jaffe" should be "Mr. McLean"

Page 29, Line 23 - "Mr. Burby" should be "Mr. Jaffe"

Page 29, Line 24 - "Even you do" should be "I know you do"

Page 31, Line 2 - "Mr. Jaffe" should be "Mr. McLean"

Page 35, Line 22 - "six" should be "symbolized"

Page 37, Line 21 - "Mr. Burby" should be "Mr. Drennan"

Page 38, Line 10 - "Mr. Burby" should be "Mr. Drennan"

Page 38, Line 21 - "Mr. Burby" should be "Mr. Jaffe"

Page 49, Line 25 - "committing" should be "is submitting"

Page 50, Line 2 - "will" should be "won't"

Numerous other errors would likely be discovered if a comparison were made between the existing transcript and the audio recording of the conference, which has not yet been done but should be.

For the foregoing reasons, the government respectfully requests that the Court grant its motion and order the court reporter to compare the existing transcript of the July 30, 2003, status conference to the audio recording of the conference and issue a new transcript with the above errors corrected as well as any other errors she discovers corrected.

Respectfully submitted this 23rd day of October, 2003.

ALICE H. MARTIN
United States Attorney

A handwritten signature in black ink, appearing to read "Michael W. Whisonant", is written over the typed name.

MICHAEL W. WHISONANT
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served on the defendant by mailing a copy of same this date by First Class, United States mail, postage prepaid, to his attorneys of record, Mr. Richard Jaffe, Jaffe, Strickland & Drennan, 2320 Arlington Avenue, Birmingham, Alabama 35205 and Mr. William Bowen, White, Dunn & Booker, 2025 3rd Avenue North, Suite 600, Birmingham, Alabama 35203.

A handwritten signature in black ink, appearing to read "M. W. Whisonant", is positioned above the printed name.

MICHAEL W. WHISONANT
Assistant United States Attorney